

Clarification

A Guide to Resources in the Law Library

- **Motion for Clarification:** "Motions for interpretation or clarification, although not specifically described in the rules of practice, are commonly considered by trial courts and are procedurally proper." Holcombe v. Holcombe, 22 Conn. App. 363, 366, 576 A.2d 1317 (1990).
- **Compared to Motion for Articulation:** "The petitioner's appeal form also states that the he appeals from the denial of his motion for clarification. A motion seeking an articulation or further articulation of a trial court's decision is called a motion for articulation. See Practice Book § 66-5. 'The sole remedy of any party desiring the court having appellate jurisdiction to review the trial court's decision on the motion filed pursuant to this section . . . shall be by motion for review under Section 66-7.' Practice Book § 66-5. We therefore decline to review this claim." Woolcock v. Commr. of Correction, 62 Conn. App. 821, 824 (2001).

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Motion for Clarification

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- SCOPE:** Bibliographic resources relating to the postjudgment motion for clarification.
- SEE ALSO:**
- Articulation, Motion for
- DEFINITIONS:**
- **Motion for Clarification:** "Motions for interpretation or clarification, although not specifically described in the rules of practice, are commonly considered by trial courts and are procedurally proper." Holcombe v. Holcombe, 22 Conn. App. 363, 366, 576 A.2d 1317 (1990).
 - "There is no requirement that the same judge rule on all matters arising after a dissolution judgment. See, e.g., Barnard v. Barnard, 214 Conn. 99, 100, 570 A.2d 690 (1990); Kolkmeier v. Kolkmeier, 18 Conn. App. 336, 337, 558 A.2d 253 (1989)." Ibid. 365.
 - "There is no time restriction imposed on the filing of a motion for clarification Although a judgment may not be opened or set aside after four months . . . under the common law, judgments may be 'corrected' at any time." Ibid. 366.
 - Contrasted with **Motion for Articulation**: "The petitioner's appeal form also states that the he appeals from the denial of his motion for clarification. A motion seeking an articulation or further articulation of a trial court's decision is called a motion for articulation. See Practice Book § 66-5. "The sole remedy of any party desiring the court having appellate jurisdiction to review the trial court's decision on the motion filed pursuant to this section . . . shall be by motion for review under Section 66-7." Practice Book § 66-5. We therefore decline to review this claim." Woolcock v. Commr. of Correction, 62 Conn. App. 821, 824 (2001).
- RECORDS & BRIEFS:**
- *Motion For Clarification*, CONNECTICUT SUPREME COURT RECORDS AND BRIEFS (September 2000). Rosato v. Rosato, 255 Conn. 412, 766 A.2d 429 (2001). [Figure 1](#).
- CASES:**
- Packer v. Board of Education, 246 Conn. 89, 96-97, 717 A.2d 117 (1998). "The plaintiff subsequently filed a motion for clarification as to whether the trial court's order enjoining the defendant from expelling him also enjoined the defendant from excluding him from extracurricular activities for the remainder of the school year."
 - Bower v. D'Onfro, 45 Conn. App. 543, 547-548, 696 A.2d 1285 (1997). "On January 11, 1996, seven weeks after the trial court rendered its judgment in accordance with our remand, the plaintiffs filed their 'motion for clarification.' The plaintiffs sought a ruling on their entitlement to postjudgment interest. Even though the plaintiffs' motion was captioned 'motion for clarification,' 'we look to the substance of the claim rather than the form' . . . and determine that it was a motion for postjudgment interest under General Statutes § 37-3b."
 - Coscina v. Coscina, 24 Conn. App. 190, 192, 587 A.2d 159 (1991). "In prior

cases where a plaintiff was seeking to clarify a marital dissolution agreement, a motion for clarification of judgment was employed with approval. See Holcombe v. Holcombe, 22 Conn. App. 363, 366, 576 A.2d 1317 (1990), and cases cited therein. The trial court here accepted the plaintiff's complaint for a declaratory judgment coupled with a request for monetary damages. Although an alternative form of action was available, namely the motion for clarification of judgment, we do not disapprove of the trial court's proceeding as it did."

- Holcombe v. Holcombe, 22 Conn. App. 363, 366, 576 A.2d 1317 (1990). "Motions for interpretation or clarification, although not specifically described in the rules of practice, are commonly considered by trial courts and are procedurally proper."
- Barnard v. Barnard, 214 Conn. 99, 100, 570 A.2d 690 (1990). "On December 1, 1988, the defendant husband filed a motion for interpretation or clarification of that agreement maintaining that the parties were unable to agree upon the interpretation of Article III of that agreement. That article is captioned "Alimony and Support and Education." The trial court, Nigro, J., held a hearing^[fn1] on this motion. The defendant has appealed from the trial court's interpretation of Article III. Pursuant to Practice Book 4023, we transferred the case to this court."
- Cattaneo v. Cattaneo, 19 Conn. App. 161, 163, 561 A.2d 967 (1989). "On June 24, 1987, the plaintiff filed a motion for clarification and for further order of the court, requesting that the original order of dissolution be clarified to state the specific extent to which the defendant was required to contribute to the children's college education and sought an order as to that specific sum or percentage. The motion alleged that the older of the two children residing with the plaintiff had been accepted at a four year college and that the defendant had refused to pay for any portion of that child's college education."
- Schott v. Schott, 18 Conn. App. 333, 334, 557 A.2d 936 (1989). "The court accepted the report and the defendant filed a motion, to clarify the portion of the report concerning the CNB debt as it related to the dissolution judgment."
- Miller v. Miller, 16 Conn. App. 412, 413, 547 A.2d 922 (1988). "The defendant appeals from a postjudgment ruling of the trial court in this dissolution action on a motion for clarification filed by the plaintiff."
- In re Juvenile Appeal (85-BC), 195 Conn. 344, 367, 488 A.2d 790 (1985). "In the 'motion for clarification of orders,' the grandmother 'respectfully represents that orders of custody were entered by Judge DeMayo on May 4, 1982 placing custody and guardianship of the two minor children [names omitted] with her, the paternal grandmother of said children. [She] respectfully requests that the Court clarify said orders and any other orders affecting this matter given the amount of time that has passed since the entry of the orders of custody.'"

**TEXTS &
TREATISES:**

- 8 ARNOLD H. RUTKIN ET AL., CONNECTICUT PRACTICE, FAMILY LAW AND PRACTICE WITH FORMS (2d ed. 2000).
Chapter 52. Post-Judgment Motions
§ 52.3. Motion for articulation or clarification

BAR JOURNALS:

- Arthur E. Balbirer and John R. Shaughnessy, *Survey Of 1990 Developments In Connecticut Family Law*, 65 CONNECTICUT BAR JOURNAL 103, 121 (April 1991).

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Figure 1 Motion for Clarification

MOTION FOR CLARIFICATION

The defendant,____, in the above referenced action hereby respectfully represents as follows:

1. On July 11, 1998 a judgment of dissolution of marriage entered by this Court (____,J.)
2. This Court's oral memorandum of decision and the party's judgment file set forth, in relevant part, as follows:

"The wife is to retain any benefits in the husband's pension which she currently has, as his spouse..."

3. As of the date of this motion the defendant has received none of the plaintiff's pension benefits.
4. The United States Office of Personnel Management has refused to convey the plaintiff's pension interest to the defendant pursuant to the submitted domestic relations order.

WHEREFORE, the defendant respectfully requests that this Court clarify its decision and set forth the exact percentage interest of plaintiff's pension which is due to the defendant.

THE DEFENDANT

BY _____

ORAL ARGUMENT REQUESTED
TESTIIMONY REQUIRED